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Dkt. 2271/70977

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Hitoshi YAMAMOTO

Serial No.: 10/656,434

Group Art Unit: 2826

Date Filed: September 5, 2003

Examiner: Alexander O. Williams

For: SEMICONDUCTOR DEVICE AND DIFFERENT LEVELS OF SIGNAL PROCESSING
SYSTEMS USING THE SAME

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Paul Teng
Paul Teng
Reg. No. 40,827

July 13, 2004
Date

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION IN RESPONSE TO JUNE 22, 2004 OFFICE ACTION

This Communication is submitted in response to the June 22, 2004 Office Action issued by the U.S. Patent and Trademark Office in connection with the above-identified patent application.

The June 22, 2004 Office Action indicates that examination of the application will be restricted by the Patent Office under 35 U.S.C. §121 to one of the following allegedly distinct species:

Group I. Claims 1 and 2, drawn to a semiconductor device, classified in class 257, subclass 679;

Group II. Claims 5 and 6, drawn to a method of manufacturing a semiconductor device, classified in class 438, subclass 15+;

Group III. Claims 3 and 4, drawn to a signal process system, classified in class 700, subclass 1+;

Group IV. Claims 7 and 8, drawn to a reader/writer, classified in class 365, subclass 189.01; and

Group V. Claim 9, drawn to a method of operating a reader/writer, classified in class 365, subclass 189.04.

Applicant hereby elects, with traversal, to prosecute the invention of Group I, claims 1 and 2.

Applicant, however, respectfully requests reconsideration of the restriction requirement. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Under M.P.E.P. §803, the application must be examined on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden.

The inventions of Groups I-V are not independent. Under MPEP §802.01, "independent" means there is no disclosed relationship between the subjects disclosed.

As acknowledged in the Office Action, Groups I and III are related as product and process of use. In addition, Groups I and II are related as article and method of manufacturing article, and Groups IV and V are related as device and method of operating device. Since the Groups are not independent and distinct, the restriction requirement should be withdrawn.

In addition, Applicant submits that it would not be a serious burden if restriction is not require, because a search for prior art for one Group will likely turn up relevant references for one or more other Groups. Therefore, Applicant submits that search and examination of the Groups together would not be a serious burden.

Accordingly, in view of the preceding remarks, Applicant

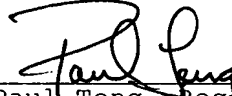
respectfully requests that the restriction requirement be withdrawn.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

The Office is hereby authorized to charge any additional fees that may be required in connection with this response and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

Paul Teng, Reg. No. 40,837
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